

SENATE JOURNAL

SEVENTY-FOURTH LEGISLATURE – REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, January 10, 1995)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Seventy-fourth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the tenth day of January, 1995, at 12:00 noon.

The Honorable Bob Bullock, Lieutenant Governor and President of the Senate, called the Senate to order.

Father Dave Penticuff of Austin, retired Episcopal minister, offered the invocation as follows:

Gracious God, standing in awe in the midst of this magnificently restored, century-old chamber, yet looking forward to the challenge of a new political era, we pause to give Thee thanks for sustaining Thy servant, Bob Bullock, through the peril of heart surgery. Now the electorate has returned him to the office of Lieutenant Governor. May his record of putting task before partisanship and the good of the people above special interests serve as a model for this incoming Senate.

That they may respond to that challenge, Lord, we pray Thee to imbue the heart and mind of each Senator with the spirit of wisdom and justice and of unity and harmony, that all the works of the 74th Senate may redound to Thy glory and for the good of the people of Texas.

We offer this prayer in the name of Him who came among us as the perfect servant of the people, Jesus the Christ, our Lord. Amen.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the Senate was provided by Ella Anderson.

APPOINTMENT OF TEMPORARY OFFICERS

The President announced the appointment of the following temporary officers of the Senate:

Secretary of the Senate - Betty King
Calendar Clerk - Pat Rodgers

Doorkeeper - James Morris
Engrossing and Enrolling Clerk - Patsy Spaw
Journal Clerk - Dianne Arrington
Parliamentarian - Robert Johnson
Sergeant-at-Arms - Carleton Turner

GUEST PRESENTED

The President acknowledged the presence in the Senate of Governor Ann Richards and presented her to the Senate.

The Senate welcomed Governor Richards.

MESSAGE FROM THE SECRETARY OF STATE

The following Message from the Secretary of State was read and was filed with the Secretary of the Senate:

THE STATE OF TEXAS Secretary of State

I, RONALD KIRK, Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in alphabetical order, of the members of the Senate of the 74th Legislature, 1995, whose election on November 8, 1994, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas this 16th day of December, A.D. 1994.

/s/Ronald Kirk
Secretary of State

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary of the Senate to call the roll of the Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

The Honorable Ken Armbrister, representing the Eighteenth Senatorial District composed of: Aransas, Austin, Bastrop, Caldwell, Calhoun, Colorado, DeWitt, Fayette, part of Fort Bend, Goliad, Gonzales, part of Guadalupe, part of Hays, Jackson, Karnes, Lavaca, Matagorda, Refugio, Victoria, and Wharton counties.

The Honorable Gonzalo Barrientos, representing the Fourteenth Senatorial District composed of: Part of Hays and part of Travis counties.

The Honorable Teel Bivins, representing the Thirty-first Senatorial District composed of: Andrews, Bailey, Cochran, Dallam, Deaf Smith, part of Ector, Gaines, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Winkler, and Yoakum counties.

The Honorable J. E. "Buster" Brown, representing the Seventeenth Senatorial District composed of: Part of Brazoria, part of Fort Bend, and part of Harris counties.

The Honorable David Cain, representing the Second Senatorial District composed of: Part of Dallas, part of Ellis, Fannin, Hunt, Kaufman, Rains, part of Rockwall, part of Smith, Van Zandt, and Wood counties.

The Honorable Rodney Ellis, representing the Thirteenth Senatorial District composed of: Part of Fort Bend and part of Harris counties.

The Honorable Mario V. Gallegos, Jr., representing the Sixth Senatorial District composed of: Part of Harris County.

The Honorable Michael L. Galloway, representing the Fourth Senatorial District composed of: Chambers, part of Galveston, part of Harris, Jefferson, Liberty, part of Montgomery, and Orange counties.

The Honorable Chris Harris, representing the Tenth Senatorial District composed of: Part of Johnson, part of Parker, and part of Tarrant counties.

The Honorable Tom Haywood, representing the Thirtieth Senatorial District composed of: Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, part of Collin, Collingsworth, Cooke, Cottle, part of Denton, Dickens, Donley, Fisher, Floyd, Foard, Grayson, Hall, Hardeman, Haskell, Jones, Kent, King, Knox, Montague, Motley, Scurry, Stonewall, Swisher, part of Taylor, Throckmorton, Wheeler, Wichita, and Wilbarger counties.

The Honorable Don Henderson, representing the Seventh Senatorial District composed of: Part of Harris County.

The Honorable John N. Leedom, representing the Sixteenth Senatorial District composed of: Part of Dallas and part of Rockwall counties.

The Honorable Eddie Lucio, Jr., representing the Twenty-seventh Senatorial District composed of: Cameron and part of Hidalgo counties.

The Honorable Gregory Luna, representing the Twenty-sixth Senatorial District composed of: Part of Bexar County.

The Honorable Frank Madla, representing the Nineteenth Senatorial District composed of: Part of Atascosa, part of Bexar, Brewster, Crockett, part of Culberson, Edwards, Jeff Davis, Kinney, Maverick, part of Medina, Pecos, Presidio, Real, part of Reeves, part of Sutton, Terrell, part of Uvalde, and Val Verde counties.

The Honorable Mike Moncrief, representing the Twelfth Senatorial District composed of: Part of Tarrant County.

The Honorable John T. Montford, representing the Twenty-eighth Senatorial District composed of: Borden, Crane, Crosby, part of Culberson, Dawson, part of Ector, part of El Paso, Garza, Glasscock, Hale, Hockley, Howard, Hudspeth, Irion, Lamb, Loving, Lubbock, Lynn, Martin, Reagan, part of Reeves, Sterling, Terry, part of Tom Green, Upton, and Ward counties.

The Honorable Jane Nelson, representing the Ninth Senatorial District composed of: Part of Dallas, part of Denton, part of Ellis, and part of Tarrant counties.

The Honorable Drew Nixon, representing the Third Senatorial District composed of: Anderson, Angelina, Cherokee, Hardin, Henderson, Jasper, part of Montgomery, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, part of Smith, and Tyler counties.

The Honorable Jerry Patterson, representing the Eleventh Senatorial District composed of: Part of Brazoria, part of Galveston, and part of Harris counties.

The Honorable Bill Ratliff, representing the First Senatorial District composed of: Bowie, Camp, Cass, Delta, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Red River, Rusk, part of Smith, Titus, and Upshur counties.

The Honorable Peggy Rosson, representing the Twenty-ninth Senatorial District composed of: Part of El Paso County.

The Honorable Florence Shapiro, representing the Eighth Senatorial District composed of: Part of Collin and part of Dallas counties.

The Honorable David Sibley, representing the Twenty-second Senatorial District composed of: Bosque, Comanche, part of Denton, Eastland, Erath, Hamilton, Hill, Hood, Jack, part of Johnson, part of McLennan, Palo Pinto, part of Parker, Somervell, part of Tarrant, and Wise counties.

The Honorable Bill Sims, representing the Twenty-fourth Senatorial District composed of: Bell, Brown, Burnet, Callahan, Coke, Coleman, Concho, Coryell, Lampasas, part of Llano, McCulloch, Menard, Mills, Mitchell, Nolan, Runnels, San Saba, Shackelford, Stephens, part of Taylor, and Young counties.

The Honorable Carlos F. Truan, representing the Twentieth Senatorial District composed of: Brooks, part of Hidalgo, Jim Wells, Kenedy, Kleberg, Nueces, San Patricio, and Willacy counties.

The Honorable Jim Turner, representing the Fifth Senatorial District composed of: Brazos, Burleson, Falls, Freestone, Grimes, Houston, Lee, Leon, Limestone, part of McLennan, Madison, Milam, Navarro, Robertson, Trinity, Walker, Waller, Washington, and part of Williamson counties.

The Honorable Jeff Wentworth, representing the Twenty-fifth Senatorial District composed of: Bandera, part of Bexar, Blanco, part of Comal, Gillespie, part of Guadalupe, Kendall, Kerr, Kimble, part of Llano, Mason, part of Medina, Schleicher, part of Sutton, part of Tom Green, part of Travis, and part of Williamson counties.

The Honorable Royce West, representing the Twenty-third Senatorial District composed of: Part of Dallas and part of Tarrant counties.

The Honorable John Whitmire, representing the Fifteenth Senatorial District composed of: Part of Harris County.

The Honorable Judith Zaffirini, representing the Twenty-first Senatorial District composed of: Part of Atascosa, Bee, part of Bexar, part of Comal, Dimmit, Duval, Frio, part of Guadalupe, part of Hidalgo, Jim Hogg, La Salle, Live Oak, McMullen, Starr, part of Uvalde, Webb, Wilson, Zapata, and Zavala counties.

**OATH OF OFFICE ADMINISTERED
TO SENATORS-ELECT**

The President directed the Senators-elect to proceed to the Bar of the Senate.

Chief Justice Thomas Phillips administered the Constitutional Oath of Office to the Senators-elect as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of a member of the Senate of the 74th Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

The President announced a quorum of the Senate present.

**SENATE RESOLUTION 1
(Caucus Report)**

Senator Truan offered the following resolution:

Honorable Bob Bullock
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 31 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The following officers were elected to serve for the 74th Legislature, Regular Session, at the will of the Senate:

Secretary of the Senate - Betty King

Calendar Clerk - Pat Rodgers

Doorkeeper - James Morris

Enrolling Clerk - Patsy Spaw

Journal Clerk - Dianne Arrington

Sergeant-at-Arms - Carleton Turner

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 74th Legislature, Regular Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The Parliamentarian, Bob Johnson, is to be named by the Lieutenant Governor.

It is further recommended that the Administration Committee appoint a sufficient number of custodians, messengers, elevator operators, porters, and other employees as may be necessary. The Lieutenant Governor is authorized to designate any member of the Senate or Senate staff to attend official meetings of national governmental organizations during the 74th Legislature, Regular Session, while in session. Actual and necessary expenses are hereby authorized as reimbursement for such trips. The Lieutenant Governor shall have the authority to designate a member of the Senate to represent the Senate at ceremonies and ceremonial functions. Necessary expenses for performance of these duties and for necessary staff are hereby authorized to be paid pursuant to a budget approved by the Administration Committee.

It is further recommended that each Senator shall be permitted a maximum payroll of \$25,000 per month for secretarial and other office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of members and committees must use compensatory/overtime accrued in a given month by the end of the same month of the following year. Compensatory/overtime accrued prior to January 1, 1995, will not be carried forward after January 1, 1996. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination.

Beginning with the 74th Legislature, Regular Session, the Secretary of the Senate is authorized to order reimbursement for legislative expenses consistent with this resolution and the establishment by the Ethics Commission of per diem rates.

The Lieutenant Governor, Senators, and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator, and the Secretary of the Senate be permitted to subscribe for newspapers as necessary to be paid out of the contingent fund and be allowed the stationery and postage needed by them respectively and expenses incurred in transmitting and receiving telephone and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 700 journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 journals shall be furnished the members of the House.

It is further recommended that the Legislative Reference Library be furnished 60 copies of the daily journal.

It is further recommended that all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem

and contingent expense fund of the 74th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for the payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 301.030, Government Code, upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate.

The Administration Committee is directed to formulate policies regarding the signing of purchase vouchers by vendors and the timely filing of vouchers for reimbursement.

It is further recommended that no employee of the Senate shall, during the time employed by the Senate, furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and the employee shall not without permission receive any compensation from any person, firm, or corporation during employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, Members of the Senate, the Secretary of the Senate, a committee, or the head of a department, shall report for duty at 8 a.m. and 1:00 p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the chairman of each standing committee shall have authority to employ such additional employees of his own selection as may be needed by the committee, the employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of the standing committee, subject to the approval of the Administration Committee.

It is further recommended that no employee of the Senate, except one whose official duties require the employee to work on the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which the employee shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of 30 minutes prior to the time the Senate convenes and 30 minutes after the Senate adjourns. The Sergeant-at-Arms is instructed to enforce this rule and to

permit only those having the privileges of the floor to enter or remain on the Senate floor during such 30-minute periods.

Respectfully submitted,

TRUAN

Chairman of the Caucus

LEEDOM

Secretary of the Caucus

The resolution was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Haywood asked to be recorded as voting "Nay" on the adoption of the resolution.

ANNOUNCEMENT

The President announced to the Senate that Senator Carlos Truan of Nueces County is the first Hispanic to be Dean of the Texas Senate.

The Senate extended its congratulations to Senator Truan, Dean of the Senate.

OATH OF OFFICE ADMINISTERED TO OFFICERS OF THE SENATE

The President directed the officers of the Senate to proceed to the Bar of the Senate.

Chief Justice Thomas Phillips administered the Constitutional Oath of Office to the officers as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of _____ of the Senate of the 74th Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

ELECTION OF PRESIDENT PRO TEMPORE FOR THE REGULAR SESSION OF THE SEVENTY-FOURTH LEGISLATURE

The President announced the time had arrived for the election of the President Pro Tempore for the Regular Session of the 74th Legislature.

Senator Montford placed in nomination the name of Senator Gonzalo Barrientos of Austin as the President Pro Tempore of the Senate, 74th Legislature, Regular Session.

Senators Henderson, Truan, Whitmire, Leedom, Ellis, Zaffirini, Ratliff, Lucio, Bivins, Rosson, Brown, Turner, and Sims seconded the nomination.

The President declared that the Honorable Gonzalo Barrientos had been duly elected President Pro Tempore of the 74th Legislature, Regular Session, by a viva voce vote and appointed Senators Montford, Truan,

Ellis, Henderson, and Rosson to escort Senator Barrientos and his wife, Emma, and family to the President's rostrum.

Chief Justice Thomas Phillips administered the Constitutional Oath of Office to Senator Barrientos as President Pro Tempore of the 74th Legislature, Regular Session, as follows:

I, Gonzalo Barrientos, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of the 74th Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Senator Barrientos addressed the Senate as follows:

Governor Bullock, my distinguished colleagues, my Texas Senators, ladies and gentlemen, distinguished guests: allow me first to give thanks to our Lord, to my family, to the people of Travis and Hays counties, indeed, Central Texas, for allowing me the opportunity to hold this office. You know, my friends, in 1956 I did not think that I would ever leave the cotton fields, but in 1983 I did not think I would ever leave the Texas House. When I ran for the Senate the first time, people thought that I was a little overzealous, impetuous, and unrealistic to run in a district which is 18 percent Hispanic, 10 percent African-American, 2 percent Asian-American, and the rest Anglo. That, I believe, is the true American dream where people vote on character, on record, and on hard work, and not whether you are seven feet tall, or a man or a woman, or whatever color.

I am honored and indeed humbled to serve the people, for in spite of the tenor of the times in our country, I believe that serving the people of our country is a high, high calling, and I will believe that until my death. The Texas Senate, no other institution is like this that I have ever read about. My colleagues, Senator Leedom, Senator Armbrister, I love you; I will always remember this high honor. And for those who come here for the first time, I can only leave a couple of words of advice. After I was elected in 1984, my father told me, me dijo, "Mi hijo estoy jublioso que fuiste el ejido Senador. No mas, una cosa, nunca te andes creendo mas grande que otro." He told me, "My son, I'm glad you were elected Senator, that's good. Just one thing, just never think that you're any better than anybody else." And I will believe that until the end.

My colleagues, people of Texas, let us now leave the political rhetoric at the door. We have work to do. Tejas para ya, adelante! Thank you and God bless you.

APPRECIATION EXTENDED

The President extended his thanks to Chief Justice Phillips for his assistance in the opening session of the 74th Legislature.

SENATE RESOLUTION 5

Senator Armbrister offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the 73rd Legislature, as amended, are adopted as the Permanent Rules of the 74th Legislature with the following modifications:

1. Amend the Senate Rules by adding a preface to read as follows:

RULES OF THE SENATE
OF THE 74TH TEXAS LEGISLATURE

STATEMENT OF AUTHORIZATION AND PRECEDENCE

Pursuant to and under the authority of Article III, Section 11, of the Constitution of 1876, as amended, and notwithstanding any other provision of statute, the Senate adopts the following rules to govern its operations and procedures. The provisions of these rules and of the Constitution shall be deemed the only requirements binding on the Senate, notwithstanding any other requirements expressed elsewhere in statute.

2. Amend Rule 7.05 to read as follows:

INTRODUCTION AND FIRST READING OF BILLS

Rule 7.05. (a) Senate bills shall be considered introduced when first read in the presence of the Senate.

(b) ~~[Except as otherwise provided in this rule,]~~ Senate bills filed for introduction, and House bills received by the Senate, shall be read on first reading at the appropriate point in the morning call ~~[within five legislative days after filing or receipt].~~

~~[(c) During the last 30 days of a regular session, and during a called session, bills shall be read not later than the next legislative day after filing or receipt.]~~

3. Amend Rule 7.09 to read as follows:

ANALYSIS OF FISCAL AND OTHER IMPLICATIONS
OF BILL OR RESOLUTION

Rule 7.09. (a) ~~[For any statement or analysis required by this rule, the Senate Committee on Administration shall adopt such necessary forms and procedures as are required to ensure that the members of the Senate are informed as to the fiscal or actuarial impact of proposed legislation to the state or other unit of government.~~

~~[(b)]~~ On any bill or resolution that proposes to change benefits or participation in benefits of a public retirement system or that would otherwise change the financial obligations of a public retirement system, there shall be attached an actuarial impact statement prepared by the Legislative Budget Board in cooperation with the State Pension Review Board.

~~(b)~~ ~~[(c)]~~ On any bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose, except the general appropriations bill, there shall be attached a fiscal note signed by the director of the Legislative Budget Board and outlining the fiscal implications and probable cost of the measure for the first five years after its passage, and a statement as to whether or not there will be a cost involved thereafter.

~~(c)~~ ~~[(d)]~~ On any bill or resolution that authorizes or requires a change in the sanctions applicable to adults convicted of felony crimes, there shall

be attached a Criminal Justice Policy Impact Statement signed by the director of the Legislative Budget Board and outlining the estimated impact of the proposed policy changes on the programs and work load of state corrections agencies and of the demand for resources and services of those agencies.

(d) ~~(e)~~ On any bill or resolution that authorizes or requires a change in the public school finance system, there shall be attached an Equalized Education Funding Impact Statement signed by the director of the Legislative Budget Board and outlining the estimated impact of the proposed policy changes on state equalized funding requirements and policies.

(e) For any statement or analysis required by this rule, the Senate Committee on Administration shall adopt such necessary forms and procedures as are required to ensure that all members of the Senate are informed as to the impact of proposed legislation on the state or other unit of government.

The resolution was read and was adopted by a viva voce vote.

GUEST PRESENTED

Senator Armbrister was recognized and introduced to the Senate Roy Benavides of El Campo, Congressional Medal of Honor recipient.

The Senate welcomed Mr. Benavides.

APPOINTMENT OF COMMITTEES

The President announced the appointment of the following committees for the 74th Legislature:

COMMITTEE OF THE WHOLE SENATE ON LEGISLATIVE AND CONGRESSIONAL REDISTRICTING (Special)

Barrientos, Chair; Leedom, Vice-chair; Armbrister, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

CRIMINAL JUSTICE (Standing)

Whitmire, Chair; Shapiro, Vice-chair; Brown, Moncrief, Sims, Turner, West.

ECONOMIC DEVELOPMENT (Standing)

Sibley, Chair; Rosson, Vice-chair; Ellis, Harris, Haywood, Henderson, Leedom, Lucio, Madla, Patterson, Shapiro.

EDUCATION (Standing)

Ratliff, Chair; Luna, Vice-chair; Armbrister, Barrientos, Bivins, Harris, Haywood, Montford, Nelson, Sibley, Zaffirini.

FINANCE (Standing)

Montford, Chair; Brown, Vice-chair; Barrientos, Bivins, Ellis, Lucio, Moncrief, Ratliff, Sibley, Sims, Truan, Turner, Zaffirini.

SUBCOMMITTEE I

Bivins, Chair; Barrientos, Vice-chair; Montford, Truan, Turner.

SUBCOMMITTEE II

Zaffirini, Chair; Brown, Vice-chair; Lucio, Montford, Sibley.

SUBCOMMITTEE III

Ratliff, Chair; Ellis, Vice-chair; Moncrief, Montford, Sims.

SUBCOMMITTEE ON VETERAN AFFAIRS

Brown, Chair; Lucio, Turner.

HEALTH AND HUMAN SERVICES (Standing)

Zaffirini, Chair; Nelson, Vice-chair; Gallegos, Galloway, Madla, Moncrief, Nixon, Patterson, Truan.

INTERGOVERNMENTAL RELATIONS (Standing)

Ellis, Chair; Leedom, Vice-chair; Cain, Gallegos, Galloway, Madla, Patterson, Rosson, Shapiro, Wentworth, Whitmire.

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY (Standing)

Truan, Chair; Patterson, Vice-chair; Armbrister, Cain, Gallegos, Lucio, Ratliff, Rosson, Sibley.

JURISPRUDENCE (Standing)

Henderson, Chair; West, Vice-chair; Cain, Harris, Luna, Turner, Wentworth.

NATURAL RESOURCES (Standing)

Sims, Chair; Truan, Vice-chair; Armbrister, Barrientos, Bivins, Brown, Haywood, Lucio, Montford, Nixon, Ratliff.

SUBCOMMITTEE ON AGRICULTURE

Lucio, Chair; Ratliff, Vice-chair; Bivins, Haywood, Nixon.

SUBCOMMITTEE ON WATER

Truan, Chair; Brown, Vice-chair; Armbrister, Barrientos, Montford.

STATE AFFAIRS (Standing)

Armbrister, Chair; Wentworth, Vice-chair; Cain, Gallegos, Galloway, Henderson, Leedom, Luna, Nelson, Nixon, Rosson, West, Whitmire.

ADMINISTRATION (Special)

Harris, Chair; Moncrief, Vice-chair; Patterson, Rosson, Shapiro, Truan, West.

NOMINATIONS (Special)

Bivins, Chair; Madla, Vice-chair; Barrientos, Henderson, Nelson, Turner, Wentworth.

SENATE RESOLUTION 3

Senator Truan offered the following resolution:

WHEREAS, Under the provisions of Article III, Section 3, of the Constitution of the State of Texas, the Senators elected after each new apportionment shall be divided into two classes, the seats of the Senators of the first class to be vacated at the expiration of the first two years, and the seats of those of the second class to be vacated at the expiration of four years; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 74th Legislature, That the Senate shall draw lots as provided by this resolution; and, be it further

RESOLVED, That the drawing of lots shall be conducted as follows:

(1) That the Lieutenant Governor appoint a committee of five Senators to supervise, direct, and verify all matters relating to the preparation of the slips and envelopes and the drawing of same as hereinafter set forth;

(2) That the Secretary of the Senate prepare 31 slips of paper of uniform size and appearance; that she type on each of the slips of paper a number between "1" and "31" both inclusive, the number "1" to be typed on the first slip of paper, and the number "2" to be typed on the second slip of paper, and so on until a different number has been accordingly typed on each of the slips of paper; and that the committee verify the proper preparation of the 31 slips of paper;

(3) That the Secretary of the Senate, under the supervision of the committee in the presence of the Senate at an open session of the Senate to be held at 10 a.m. on the day to be determined by the President, place each of the slips of paper in a separate capsule, each of the capsules to be of uniform size and appearance; that she then place each of the capsules in a separate envelope and seal the same, each of the envelopes to be of uniform size and appearance; and that the 31 envelopes and each of them containing the capsules and slips of paper then be placed in some suitable receptacle;

(4) That at 10:30 a.m. on a day to be determined by the President in open session of the Senate the drawing of the envelopes be conducted under the supervision of the committee in the manner as hereinafter set forth:

(A) The receptacle containing the sealed envelopes shall be placed on a suitable table or desk at the front of the Senate Chamber;

(B) The Secretary of the Senate shall call the names of the Senators in alphabetical order, and as the name of each Senator is called that Senator shall withdraw from the receptacle one envelope, which shall then be immediately opened and the number appearing on the slip of paper therein shall be written after the Senator's name drawing same on a suitable register to be prepared by the Secretary of the Senate;

(5) That the 15 Senators drawing slips with any of the even numbers "2" - "2" - "6" - "8" - "10" - "12" - "14" - "16" - "18" - "20" - "22" - "24" - "26" - "28" - "30" thereon shall be of the first class and their term of office shall terminate at the expiration of two years, or one-half of the four-year constitutional term, and that the 16 Senators drawing slips with any of the odd numbers "1" - "3" - "5" - "7" - "9" - "11" - "13" - "15" - "17" - "19" - "21" - "23" - "25" - "27" - "29" - "31" thereon shall be of the second class, and their term of office shall terminate at the expiration of four years; and

(6) That any Senator who is unable to attend the drawing shall appoint and designate in writing some other Senator to draw an envelope in the place of the absent Senator; in the event any Member of the Senate is absent and has failed to appoint and designate some Member of the Senate to act for the absent Senator in the drawing, then the Secretary of the Senate shall draw an envelope for the absent Senator.

The resolution was read and was adopted by a viva voce vote.

**APPOINTMENT OF COMMITTEE OF TELLERS
FOR DRAWING OF TERMS**

The President announced the appointment of the following Committee of Tellers to Oversee the Drawing of Terms: Senators Montford, Chair; Henderson, Ratliff, Madla, and Armbrister.

MOTION IN WRITING

Senator Truan submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint two committees of five (5) Members to notify the Governor and House of Representatives that the Senate is organized and ready to transact business.

TRUAN

The Motion in Writing was read and was adopted by a viva voce vote.

Accordingly, the President announced the appointment of the following:

Committee to Notify Governor	Committee to Notify House of Representatives
Rosson, Chair	Wentworth, Chair
Patterson	Cain
Shapiro	Gallegos
Barrientos	Harris
Moncrief	Nelson
	Turner

SENATE CONCURRENT RESOLUTION 8

Senator Leedom offered the following resolution:

BE IT RESOLVED by the 74th Legislature, Regular Session, That a joint committee, composed of five members of the senate appointed by the lieutenant governor and five members of the house appointed by the speaker of the house, arrange for the canvass of the votes cast for governor and lieutenant governor at the general election held on the first Tuesday in November, 1994, and that a joint session of the senate and house be held in the hall of the house of representatives at 2 p.m., Monday, January 16, 1995, for the purpose of counting the votes, receiving the report, and hearing the declaration of the results of the canvass; and, be it further

RESOLVED, That the senate and house sit in joint session at 12 noon on Tuesday, January 17, 1995, for the inauguration of the governor-elect and lieutenant governor-elect of Texas as determined by the canvass of the votes; and, be it further

RESOLVED, That a joint committee, composed of five members of the senate appointed by the lieutenant governor and five members of the house

appointed by the speaker of the house, make arrangements for the joint session and oath-taking ceremony on January 17, 1995; and, be it further

RESOLVED, That the State Purchasing and General Services Commission be, and is hereby, instructed to close all entrances to the Capitol on Tuesday, January 17, 1995, except for those vehicles approved by the inaugural committee as necessary for use in connection with the ceremony and the program following.

On the motion of Senator Leedom and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

APPOINTMENT OF COMMITTEE TO CANVASS VOTES

In accordance with the provisions of **S.C.R. 8**, the President announced the appointment of the following as a Committee to Canvass the Votes: Senators Leedom, Chair; Haywood, Gallegos, Nixon, and Galloway.

APPOINTMENT OF INAUGURAL COMMITTEE

In accordance with the provisions of **S.C.R. 8**, the President announced the appointment of the following as the Inaugural Committee: Senators Sibley, Chair; Ellis, Zaffirini, Sims, and Bivins.

SENATE CONCURRENT RESOLUTION 9

Senator Truan offered the following resolution:

WHEREAS, Article III, Section 17, of the Texas Constitution provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 74th Legislature, That each house grant the other permission to adjourn for more than three days during the period beginning on January 11, 1995, and ending on January 16, 1995.

On the motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

MESSAGE FROM THE GOVERNOR

State of Texas
Office of the Governor
Austin, Texas 78711

The Honorable Bob Bullock
Lieutenant Governor
State of Texas
P. O. Box 12068
Austin, Texas 78711

Honorable Lieutenant Governor:

Today I am submitting as an emergency matter the accompanying measure under the provisions of Article III, Section 5, of the Constitution of the State of Texas.

I urge your prompt consideration and enactment of this measure.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
January 10, 1995

**P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-FOURTH LEGISLATURE, IN REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Ann W. Richards, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 74th Legislature, now convened:

Legislation related to the reestablishment and operation of the State Board of Dental Examiners and to the regulation of the practice of dentistry and dental hygiene; providing penalties; and making an appropriation.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 10th day of January, A.D. 1995.

/s/Ann W. Richards
Governor of Texas

ATTEST:

/s/Ronald Kirk
Secretary of State

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

S.C.R. 1 by Leedom State Affairs
Authorizing the erection of a monument in the State Cemetery in memory of Captain John J. Grumbles.

S.C.R. 2 by Moncrief Criminal Justice
Petitioning the Congress of the United States to award to the Texas Council on Family Violence the National Domestic Violence Hotline Grant to set up a national hotline for victims of domestic violence.

S.C.R. 3 by West Criminal Justice
Encouraging the community justice assistance division of the Texas Department of Criminal Justice and the Texas Council on Family Violence to issue a directive that local community supervision and correctional departments work with battering intervention and prevention programs to ensure that each community has a system for receiving referrals and reporting violations.

S.C.R. 4 by Shapiro State Affairs
Requesting the Congress of the United States to recognize the importance of constitutionally guaranteed state sovereignty and to work closely with state and local governments to reduce the impact wrought by the enactment of unfunded federal mandates.

S.C.R. 5 by Shapiro, Moncrief, West, Zaffirini Criminal Justice
Requesting and encouraging local counseling services to develop battering intervention and protection programs in response to the studies documenting the success of such programs.

S.C.R. 6 by Nelson, Armbrister, State Affairs
Barrientos, Brown, Cain, Galloway, Gallegos, Harris, Henderson, Leedom, Lucio, Madla, Moncrief, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Turner, Wentworth, West, Whitmire
Resolving that the State of Texas hereby claim sovereignty under the Tenth Amendment to the United States Constitution over all other powers not otherwise enumerated and granted to the federal government by that constitution.

S.J.R. 6 by Patterson Finance
Proposing a constitutional amendment to dedicate net revenue from the state lottery to public school purposes.

S.J.R. 7 by Ellis, International Relations, Trade, and Technology
Nixon, Gallegos, Luna, Truan, Moncrief, West, Zaffirini
Proposing a constitutional amendment allowing investment of money from the Texas growth fund in a business without the business's disclosure of its investments in or with South Africa or Namibia.

S.J.R. 8 by Bivins Finance
Proposing a constitutional amendment to provide for state funding of new legislative mandates on local governments.

S.J.R. 9 by Bivins State Affairs
Proposing a constitutional amendment to limit the time that a person may serve in legislative office or in certain executive offices.

S.J.R. 10 by Patterson Jurisprudence
Proposing a constitutional amendment relating to the appointment of appellate justices and judges and certain district judges by the governor and to confirmation elections on a nonpartisan ballot of those justices and judges.

S.J.R. 11 by Leedom Education
Proposing a constitutional amendment relating to public school finance.

S.J.R. 12 by Leedom Education
Proposing a constitutional amendment permitting the legislature to authorize the transfer of certain funds from the permanent school fund to the available school fund.

S.J.R. 13 by Leedom, Wentworth State Affairs
Proposing a constitutional amendment to limit the time that a person may serve in legislative office.

S.J.R. 16 by Ellis, Gallegos, Madla, Wentworth, State Affairs
Moncrief, Montford, Truan
Proposing a constitutional amendment abolishing the office of state treasurer.

S.J.R. 17 by Ellis State Affairs
Proposing a constitutional amendment authorizing casino gaming.

S.B. 2 by Montford Finance
General Appropriations Bill.

S.B. 18 by Moncrief, Health and Human Services
Barrientos, Brown, Ellis, Gallegos, Madla, Montford, Nelson, Sims, Truan, Wentworth, Zaffirini, Leedom
Relating to the reestablishment and operation of the State Board of Dental Examiners and to the regulation of the practice of dentistry and dental hygiene; providing penalties; and making an appropriation.

S.B. 19 by Whitmire, Natural Resources
Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Zaffirini
Relating to delay of the vehicle emissions inspection and maintenance program.

S.B. 36 by Brown Criminal Justice
Relating to the registration of sexual offenders; providing a criminal penalty.

S.B. 37 by Brown Criminal Justice
Relating to access to certain personal information by an inmate of the institutional division of the Texas Department of Criminal Justice.

S.B. 38 by Brown Criminal Justice
Relating to individuals permitted to attend the execution of a capital felon.

S.B. 39 by Brown Criminal Justice
Relating to the making of a statement to a court and to the defendant by a victim of a criminal offense or the victim's relative or guardian.

S.B. 40 by Bivins, Sims Health and Human Services
Relating to the treatment of repeat sex offenders.

S.B. 41 by Shapiro Criminal Justice
Relating to the competency of a child to testify in a criminal case.

S.B. 42 by Shapiro, Cain Intergovernmental Relations
Relating to access to criminal history record information by certain
organizations providing volunteer services.

S.B. 43 by Shapiro, Sims Criminal Justice
Relating to the temporary furlough policy of the Texas Department of
Criminal Justice.

S.B. 44 by Shapiro Criminal Justice
 Relating to the restoration of good conduct time forfeited by an inmate of
 the institutional division of the Texas Department of Criminal Justice.

S.B. 45 by Shapiro, Sims Criminal Justice
Relating to an affirmative finding of sexual motivation and to the punishment and eligibility of certain repeat sexual offenders who victimize children for parole or release on mandatory supervision.

S.B. 46 by Shapiro, Sims Criminal Justice
Relating to requiring victim notification when an inmate escapes from a facility operated by the institutional division of the Texas Department of Criminal Justice.

S.B. 47 by Shapiro, Sims Criminal Justice
Relating to notification of certain persons about procedures in the
community supervision process that apply to defendants who victimized
those persons.

S.B. 48 by Shapiro, Sims Criminal Justice
Relating to a crime victim's right to appear in person before a parole panel
of the Board of Pardons and Paroles.

S.B. 49 by Moncrief	Jurisprudence
Relating to persons authorized to place a child for adoption; providing a penalty.	

S.B. 50 by Moncrief Health and Human Services
 Relating to registration of certain child-care facilities with a division of the
 Texas Department of Human Services.

S.B. 51 by Shapiro, Sims Criminal Justice
Relating to an affirmative finding of sexual motivation and to a
requirement that certain inmates participate in sex offender treatment as a
condition to earning good conduct time.

S.B. 52 by Barrientos Education
Relating to exempting certain persons from tuition, fees, and charges at
public institutions of higher education.

S.B. 53 by Ellis State Affairs
 Relating to implementation of the National Voter Registration Act of 1993.

S.B. 54 by Ellis
Relating to change of venue in a criminal case.

S.B. 55 by Ellis State Affairs
 Relating to the registration of voters at a polling place.

S.B. 56 by Ellis

Education

Relating to corporal punishment in public schools.

S.B. 171 by Harris

Administration

Relating to the creation, purpose, implementation, and funding of the County Park Beautification and Improvement Program.

GOVERNOR NOTIFIED

The Committee to Notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate. Senator Rosson for the committee notified the President and Members of the Senate that the committee had performed the duty assigned it.

The committee was discharged by the President.

SENATE RESOLUTION 6

Senator Whitmire offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Miss Ali Lynn Gallegos on the auspicious occasion of her birthday on January 10, 1995; and

WHEREAS, The oldest daughter of Senator Mario Gallegos, Jr., Ali was born and raised in the Magnolia area of East Houston; and

WHEREAS, A charming young woman, who enchants all who know her, Ali has a strong contingent of admirers; and

WHEREAS, Ali's many friends are drawn by her warmth, sense of humor, and interest in all around her; and

WHEREAS, An excellent student, she graduated from Faith Christian Academy, a private school she had attended since kindergarten; and

WHEREAS, Armed with a desire to achieve her highest potential, she has pursued her higher education at the University of Houston, majoring in psychology; and

WHEREAS, A young lady who shows great promise and ability, she has been employed by the Texas Attorney General's Office for two years; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby extend sincere wishes for a most festive birthday to this special and talented young woman and hope that all her birthday wishes come true; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Miss Ali Lynn Gallegos as a memento of this special day in her life.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Whitmire, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate his daughter Ali and a delegation of guests from his district.

The Senate welcomed its guests.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.19 and all necessary rules were suspended in order that the Committee on Finance might consider **S.B. 2** today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Sims and by unanimous consent, Senate Rule 11.19 and all necessary rules were suspended in order that the Committee on Natural Resources might consider **S.B. 19** today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.19 and all necessary rules were suspended in order that the Committee on Health and Human Services might consider **S.B. 18** tomorrow.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.19 and all necessary rules were suspended in order that the Committee on Administration might consider **S.B. 171** today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.19 and all necessary rules were suspended in order that Finance subcommittees I, II, and III might consider **S.B. 2** tomorrow.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate his family.

The Senate welcomed the family of Senator Truan.

Senator Truan then commended the President for his leadership of the Texas Senate and the State of Texas.

CONGRATULATORY RESOLUTIONS

S.C.R. 10 - By Barrientos: Recognizing the superior accomplishments of the Honorable J. J. "Jake" Pickle of Austin.

S.C.R. 11 - By Whitmire: Granting the Texas DeMolay Association permission to use the chambers of the senate and house of representatives

in the State Capitol on February 18 and 19, 1995, and February 17 and 18, 1996, for its legislative seminars.

S.R. 7 - By Luna: Congratulating Mr. and Mrs. Ernest J. Rodriguez on their 50th wedding anniversary.

S.R. 8 - By Luna: Commending Chad Robinson of San Antonio on achieving the rank of Eagle Scout.

S.R. 9 - By Luna: Commending Marcus J. Glasgow of San Antonio on achieving the rank of Eagle Scout.

ADJOURNMENT

On motion of Senator Truan, the Senate at 1:10 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

REPORT OF STANDING COMMITTEE

The following committee report was received by the Secretary of the Senate:

January 10, 1995

ADMINISTRATION — S.B. 171

SECOND DAY

(Wednesday, January 11, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Senate Chaplain, the Reverend John R. Pitts, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Heavenly Father, in whom we live and move and have our being, we come to You this morning ready: ready to do the work of ministry for the State of Texas as the Senate of the 74th Legislative Session. Guide us, Lord, in this ministry. Give